

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KRISTEENA SCARPINO, individually and
on behalf of similarly situated individuals,

Plaintiff,

v.

IMAGINATION INDUSTRIES, INC., and
CASEY ROWE,

Defendants.

8:20CV449

ORDER

This matter is before the Court on the magistrate judge's¹ Findings and Recommendation (Filing No. 30), recommending the Court deny defendant Casey Rowe's Motion to Dismiss (Filing No. 11), deny Imagination Industries, Inc.'s Motion to Dismiss (Filing No. 12), and grant plaintiff Kristeena Scarpino's ("Scarpino") Motion for Conditional Certification (Filing No. 15). The defendants have not filed objections, and the time to object has now passed.

The Court must "make a de novo review of . . . specified proposed findings or recommendations to which objection is made," 28 U.S.C. § 636(b)(1), but when no objections are made, further review is unnecessary. *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009) ("[T]he failure to file objections eliminates not only the need for de novo review, but *any* review by the district court."); *see also* Fed. R. Civ. P. 72; NECivR 72.2.

Because the defendants did not timely object to the magistrate judge's well-reasoned Findings and Recommendations,

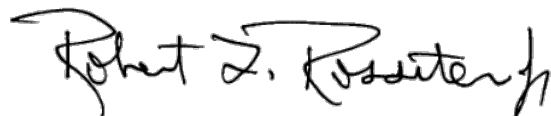
¹The Honorable Cheryl R. Zwart, United States Magistrate Judge for the District of Nebraska.

IT IS ORDERED:

1. The Findings and Recommendation (Filing No. 30) is accepted. Any objections are deemed waived.
2. Defendant Casey Rowe's Motion to Dismiss (Filing No. 11) is denied.
3. Defendant Imagination Industries, Inc.'s Motion to Dismiss (Filing No. 12) is denied.
4. Plaintiff Kristeena Scarpino's Motion for Conditional Certification (Filing No. 15) is granted. This action is conditionally certified as a Fair Labor Standards Act collective action, consisting of all exotic dancers who have worked at American Dream during the last three years and were classified as independent contractors.
5. Within fourteen days of this Order, the defendants are required to produce to plaintiff's counsel, in an electronic format, the last known mailing addresses, email addresses, and cell phone numbers of individuals who currently or previously worked at American Dream as exotic dancers at any time during the three years prior to the filing of this case.
6. Scarpino is permitted to send the notice form (Filing No. 17-1) and the opt-in consent form (Filing No. 17-2) to each potential class member. Defendants are required to circulate the same to each potential class member who cannot be reached by mail, email, or text message.
7. Defendants must allow Scarpino to visibly post the notice form (Filing No. 17-1) on the premises of American Dream.

Dated this 6th day of April 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge